

5-10-05

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Docket Number 03 PAT 198

9v05

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**PATENT APPLICATION**

Applicant: Michael A. Burleson Date: 9 May 2005  
Serial Number: 10/749,040 Examiner: Stephen D. D'Adamo  
Filing Date: 30 December 2003 Art Unit: 3636  
Title: Rotatable Safety Seatback for Recreational Vehicles

**AMENDMENTS**

To the Honorable Commissioner for Patents  
Mail Stop Amendment – NO FEE  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This is the first amendment to the subject application in response to the Office Action mailed on February 9, 2005. A shortened statutory response period of three months was set by the Examiner, making the response due on or before May 9, 2005.

Applicant files this response by Express Mail on May 9, 2005 with the Certification of Express Mailing shown on the signature page. Thus this response is filed within the three month period.

In response to the Office Action, please amend the above-identified application, without prejudice, as follows:

## **Summary of Important Points in the First Office Action**

### **Information Disclosure Statement**

The Examiner stated that the "listing of references in the specification is not a proper information disclosure statement adding that under the MPEP a proper listing must be submitted in a separate paper. The Examiner stated that unless these references have been cited on form PTO-892 the references in the specification were not considered.

### **In the Claims**

The Examiner rejected claims 1-18 under 35 U.S.C. sec. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner stated that the claims were examined on the merits of the rotatable seatback or sub combination as claim then the independent claims.

The Examiner noted that in Claim 9 the limitation "said latch mechanism" lacked a proper antecedent.

The Examiner rejected claims 1-7 under 35 U.S.C. sec. 102(b) as being anticipated by Ware (4,313,639) observing that Ware discloses a motorcycle backrest that rotates between an upright and boarding position. The Examiner enclosed a drawing explaining his rejection.

The Examiner further rejected claims 1-4, 9 and 14-18 under 35 U.S.C. sec. 102(b) as being anticipated by Mesinger (1,240,587), stating that Mesinger teaches a rotating seatback for motorcycles having an upright position and a boarding position. The Examiner enclosed a drawing explaining his rejection.

The Examiner rejected claims 10-13 under 35 U.S.C. sec. 103(a) as being obvious in light of Ware (4,313,639).

Finally the Examiner stated that the art of Schnitzenbaumer (6,206,399), Bonfilio (6,068,334), Zachary (5,501,168), Hanagan (4,953,911), Harano et al. (4,506,754), Bochynsky (3,887,231), George (3,822,917) and Petersen (202/0011745) all show various features of the claimed invention.

## General Comment Regarding the Information Disclosure

Applicant submitted information disclosure statement and copies of the referenced patents, as required by 37 CFR 1.97 and 1.98, when the original application was filed on 30 December 2003. A reduced copy of the application cover letter dated 30 December 2003, is shown below. The letter shows that "Information Disclosure Statement and Documents" accompanied the application. A copy of the original information disclosure statement, as originally filed, is attached as page 18 of this response.

Our Case Docket No.: 03 PAT 198 Date: 30 December 2003  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Utility Patent Application Charge Sheet

The Commissioner of Patents and Trademarks via EXPRESS MAIL  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing is the patent application of inventor(s):

Michael Allan Burleson

For "Rotatable Safety Seatback for Recreational Vehicles";

Specification consisting of 18 pages, including abstract of the disclosure on a separate sheet of paper.

Enclosed are also:-

X	Declaration	X	11 sheets of INFORMAL drawings.
X	Power of Attorney.	X	Applicant(s) Claim Small Entity Status.
X	Information Disclosure Statement and Documents	X	Self Addressed Reply Post Card
X	Certificate of Express Mailing		

### FILING FEE

Claims as Filed For	Number Filed	Less	Number Extra	Small Rate	Entity FEE	O R	Other Small Rate	than Entity FEE
Basic Fee					\$385			\$770
Total Claims	18	-20	0	\$9	\$0		\$18	\$0
Independent Claims	2	-3	0	\$41	\$0		\$86	\$0
Multiple Dependent Claims	NONE			\$145			\$290	
<b>TOTAL FEES CLAIMS</b>					<b>\$385</b>			<b>\$770</b>

### OTHER FEES

X Assignee's check in the amount \$385.00 is enclosed.

Respectfully submitted



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ATTORNEYS FOR APPLICANT

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